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MINUTES
AGENDA FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
TO BE HELD AT 6:00 P.M., THURSDAY EVENING, OCTOBER 26, 2006
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR

All matters listed under the Consent Agenda below will be considered by the Commission to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless members of the Commission or persons in the audience request specific items be removed from the Consent agenda to the Regular Agenda for discussion prior to the time the Commission votes on the motion to adopt the Consent Agenda.

MEMBERS PRESENT: Bourselan, Ali – Chair
 Gezelius, Ken
 Mosher, Fran
 Ruck, Lance
 Schwartz, Elma
 Scott, Valerie

MEMBERS ABSENT: Brannon, Edith
 Graham, Elijah
 Reynolds, Thurman

CONSENT AGENDA

The meeting convened at 6:00 p.m. with five Commissioners and Chair Boureslan presiding. Chair Boureslan began the meeting by asking if there were any changes to the agenda. Human Resource Director, Linda Ball Thomas informed the Commissioners that on Item 8.5B, the employee's name should be Celia Castor from Sun Metro. Ms. Thomas also advised that item 9F was requesting a postponement that she did not support; Item 9G is withdrawn; Item 9I is deleted, changed to "qualified"; Item 11D, request for postponement that she did not support; and Item 11H is deleted, changed to "qualified".

Commissioner Gezelius inquired what Ms. Thomas was recommending for Item 9F and 11D. Ms. Thomas requested that in lieu of postponement that the Commissioners use the backup provided. She explained that this was the General Services Worker list. Postponement would hold up the entire list and that we currently have approximately 40 vacancies.

Commissioner Scott requested to move Item 4 from the Consent Agenda to the Regular Agenda. Chair Boureslan requested to move item 6 to the Regular Agenda.

MOTION TO MOVE ITEM 4 TO REGULAR AGENDA MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.

MOTION TO MOVE ITEM 6 TO REGULAR AGENDA MADE BY CHAIR BOURESLAND AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

1. Discussion and Action on Approval of Minutes with Revisions

October 12, 2006

2. Notice of Promulgation of Eligible Lists:

- A. Library Information Specialist = Promulgated 10/18/06 (P-5) (CR-6) (O-22)
- B. Coach Operator Trainee = Promulgated 10/19/06 (O-45) (CR-1)
- C. Housing Construction Specialist = Promulgated 10/19/05 (P-1) (CR-1) (O2)
- D. Airport Security Coordinator = Promulgated 10/19/05 (O-2) (P-1)
- E. Transit Operations Superintendent = Promulgated 10/19/06 (O-1)
- F. Fire Lieutenant = Promulgated 10/12/06 (P-49)
- G. Water Plant Senior Technician = Promulgated 10/09/06 (P-5) (O-2)
- H. International Coach Operator = Promulgated 10/09/06 (P-13) (O-12)
- I. Architectural Intern = Promulgated 10/06/06 (P-2)
- J. Licensed Coach Operator = Promulgated 10/06/06 (O-10)
- K. Property & Evidence Supervisor = Promulgated 10/05/06 (O-3)

3. Discussion and Action on request to have named placed on Transfer List:

- A. Ugues, Ricardo – Fleet Service Assistant – Sun Metro
- B. Almaraz, Benito – General Service Worker – Environmental Services

4. Discussion and Action on request to have name placed on Reinstatement List:

Adkins, Troy – Firefighter – Fire Department

Commissioner Scott questioned why application was not filled out completely. Ms. Thomas advised that applicants usually do not fill out application with exception of any new duties. She further explained that when applicants are looking for reinstatement, we are looking at his past record with their department. Fire Chief Marron noted that Troy Adkins has an excellent standing with the Fire Department and recommended reinstatement in the organization as Fire Suppression Technician.

MOTION TO APPROVE ITEM 4 MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER SCOTT AND UNANIMOUSLY PASSED

5. Discussion and Action on Request for Temporary Promotion:

- A. Cooper, Stanley – Municipal Clerk
From: Deputy Court Clerk
To: Senior Deputy Court Clerk
- B. Martinez, Estella – Municipal Clerk
From: Senior Office Assistant
To: Deputy Court Clerk

6. Discussion and Action on Approval of Hearing Officer's Invoice:

Borunda, Chris – Invoice 38449, 38450 and 38451 – Dated 10/16/2006

Chair Bourselan was concerned if past invoices were approved. Ms. Thomas explained invoice and suggested motion to approve \$170.

MOTION TO APPROVE PAYMENT OF \$170 MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.

MOTION TO APPROVE CONSENT AGENDA WITH MODIFICATIONS MADE BY CHAIR BOURESLAN AND SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

REGULAR AGENDA

7. Discussion and Action on appeal of denial of request to have named placed on Reinstatement List:

Cloud, Ginger Maria – Public Safety Call Taker – Police Dept.

Ms. Cloud commented that she was denied because she did not give sufficient notice. Ms. Cloud states she did give notice to Assistant Manager Cynthia Beltran to note and submit. Commissioner Ruck questioned why she did not go to each department to obtain required signatures. Ms. Cloud reported that she informed Ms. Beltran on the 26th and then two days later she obtained the signatures. Minnie Holguin from Police Human Resources stated that Ms. Cloud was denied because she was unable to find written intent for resignation in her personnel file, which is standard policy. However Ms. Holguin did agree that Ms. Cloud did inform Cynthia Beltran verbally.

MOTION TO APPROVE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

8. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rule 8.1.d.1.:

Martinez, Rudolfo – Consumer Affairs Officer

Commissioner Ruck commented that he was denied due to his lack of degree, and that this had been previously discussed.

MOTION TO DENY MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

- 8.5 Discussion and Action on Report from Committee regarding Performance Evaluation of:

- A. Binkley, Margaret T. – Fire Dept.
- B. Castor, Celia – Sun Metro

Commissioner Mosher reported that the Appeal Committee met Thursday, October 11 to hear appeal and obtained different opinions. Based on all recommendations and due to the documents Ms. Binkley provided she moved to approve and re-rate, while making appropriate adjustments to comments. Commissioner Gezelius stated his concern was that we have an evaluation policy which does not allow the employee to rate themselves. Commissioner Mosher stated that the evidence that was presented was believed to be appropriate. Commissioner Gezelius further explained his concern was that there is such a major difference in what Ms. Binkley rated herself and what the entire supervisory chain of the fire department rated her differed so widely. Is the rating just a matter of opinion or do we substitute our judgement for a year's worth of contact within an office? Commission Mosher explained that there were unusual circumstances. Ms. Binkley has a number of people who give her direction and supervision. Her immediate rater came on board in January and she has this rating within 6

months of that period of time. He did not solicit information from other people who had supervision over here. Our findings indicate that significant items were not considered. Again, Ms. Binkley's extensive documentation supported her rating. Fire Chief Donald Marron advised that he did not agree with this re-rating. He stated that the evaluation tool to rate an employee is being taken out of the manager's hand. He further explained that he had given a grade sheet to an employee and said "rate yourself"..... but to have an employee do that as a final evaluation Well, as a supervisor, I do not agree. Because it is a management tool that we use... who should know better than the supervisor? Chief Marron concluded that this is setting a bad precedent if the Commission allows this to happen. Chair Bourselan commented that the process is here so the employee has the right under Civil Service rules to come and contest the evaluation by the department and that is why we have a sub-committee. Additionally, the fact that the sub committee agrees with the employee does not mean that the employee evaluate herself in this case. That is why we have a sub committee and that is why we are discussing this here. So we are not setting a precedent because in the past, we have rejected cases but we have looked at it on a case by case basis. The subcommittee feels the evidence is there to warrant changes and that is what has happened here. I appreciate your objection, but we are not setting a precedent. Commission Mosher added that for the record, when we approach these appeals, we are approaching them from the aspect that the evaluation is correct and the burden of proof of persuasion is on the employee. In this particular case, we felt that Ms. Binkley did present sufficient documentation that would sway it to that rating. Commission Ruck questioned if Chief Marron was at the hearing, because a comment that strikes me as funny is the statement listed here that the Fire Department failed to present any information or documentation that would support the ratings for the comments in the evaluation. Would you agree with that? Chief Marron answered that he felt that the Chief presented information in his addendums to the performance evaluation that sufficiently provided that necessary information. This information is required when filling out the recommendations. Commissioner Ruck replied OK, but what about the comment right before that states: Any deficiencies that did exist were not sufficiently addressed with the employee. That concerns me. Did she have deficiencies that nobody ever advised her of so that she could correct them? Chief Moss met with her and discussed things with her plus met with her to discuss the evaluation in my office. There being no further discussion.

CHAIR BOURSELAN RECALLED COMMISSION MOSHER'S MOTION AND ASKED FOR A SECOND. COMMISSION RUCK GAVE SECOND

MOTION TO APPROVE THE SUBCOMMITTEE'S RECOMMENDATION MADE BY COMMISSIONER MOSHER AND SECONDED BY COMMISSIONER RUCK AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Schwartz, Scott, Mosher, Ruck
Nays: Commissioner Gezelius

Commissioner Mosher reported on appeal hearing for Celia Castor on Monday October 23. During the hearing we heard from appellant and raters along with other attendees that provided additional information. Based upon the evidence that was presented, I would like to move that we approve the recommendation from the appeals panel that would require a re-rating of items number 2 to a competent; item number 14 to an exceeds, and that the overall rating remain the same at competent. Kevin Bunce was present and spoke to agree with the determination.

MOTION TO APPROVE SUBCOMMITTEE'S RECOMMENDATION MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

Chair Bourselan brought forward two items to be discussed prior to executive session.

MOTION TO DENY POSTPONEMENT OF ITEM 9F MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.

MOTION TO DENY POSTPONEMENT OF ITEM 11D MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER BY GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 6:50 p.m. to discuss Item 9, Item 10 and Item 11, and reconvened for Open Session at 8:08 p.m.

Prior to Executive Session, at Chair Bourselan took role of those present for items 9A thru 9N and 10A thru 10C and Item 11A thru S.

The following were present:

Jose Alfredo Gutierrez
Carlos Gandara
Robert Martinez
Jose Quintero
Adan Beltran
Juan Muro
Reymundo Gallardo
Ernesto Andrade
Rodolfo Lopez
Juan Torres
Manuel Martinez
Venessa Alvarado
Robert L. Crawford

Daniel Rivera
Juan Manuel Rodriguez
Jose R. Lopez, Sr.
Eduardo Gutierrez
Juan Vacio
Bernard A. Christmann
Raul Rodriguez, III
Osvaldo Contreras
Raymundo Castillo
Isaac Del Toro, Jr.
Rosalio Sosa
Shirley M. Araiza

The Civil Service Commission may retire into Executive Session pursuant to Civil Service Commission Rule 1, Section 11(a) and the Texas Government Code, Section 551, Subchapter D to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the Commission may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.). The Commission will return to open session to take any final action.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.074 PERSONNEL MATTERS

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED

9. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rule 8.1.d.3:

- A. Franco, Rosa Linda – Deputy Court Clerk
- B. Nava III, Luis – Deputy Court Clerk
- C. Gutierrez, Jose Alfredo – General Service Worker
- D. Gandara, Carlos - General Service Worker
- E. Martinez, Robert - General Service Worker
- F. Mendoza, David - General Service Worker
- G. Sanchez, Sylvester - General Service Worker
- H. Quintero, Jose - General Service Worker
- I. Lopez, Sergio - General Service Worker
- J. Beltran, Adan - General Service Worker
- K. Muro, Juan - General Service Worker
- L. Gallardo, Reymundo - General Service Worker
- M. Andrade, Ernesto - General Service Worker
- N. Rivera, Daniel - General Service Worker

MOTION TO APPROVE ITEM 9A MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCHWARTZ AND FAILED BY A 3 TO 2.

Ayes: Commissioners Ruck, Schwartz

Nays: Commissioners Gezelius, Scott, Mosher

MOTION TO DENY ITEM 9B MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

MOTION TO DENY ITEM 9C MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER RUCK AND PASSED BY A VOTE OF 3 TO 2.

Ayes: Commissioners Gezelius, Scott, Ruck

Nays: Commissioners Schwartz, Mosher

MOTION TO APPROVE ITEM 9D MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND PASSED UNANIMOUSLY.

MOTION TO APPROVE ITEM 9E MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 9F MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER MOSHER AND PASSES BY A VOTE OF 4 TO 1.

Ayes: Commissioners Schwartz, Scott, Mosher, Ruck

Nays: Commissioner Gezelius

MOTION TO APPROVE ITEM 9H MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 9J MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 9K MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Schwartz, Scott, Mosher, Ruck

Nays: Commissioner Gezelius

MOTION TO APPROVE ITEM 9L MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 9M MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 9N MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

10. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rule 25.2.b:

- A. Ordonez, Mark Andrew – General Service Worker
- B. Rodriguez, Juan Manuel - General Service Worker
- C. Lopez Sr., Jose R. - General Service Worker

MOTION TO APPROVED ITEM 10A MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCHWARTZ AND FAILED BY A VOTE OF 3 TO 2.

Ayes: Commissioners Ruck, Schwartz
Nays: Commissioners Gezelius, Scott, Mosher

MOTION TO APPROVE ITEM 10B MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER RUCK AND FAILED BY A VOTE OF 3 TO 2.

Ayes: Commissioners Gezelius, Ruck
Nays: Commissioners Schwartz, Scott, Mosher

MOTION TO APPROVE ITEM 10C MADE BY COMMISSIONER SCHWARTZ AND SECONDED BY COMMISSIONER RUCK AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Gezelius, Schwartz, Mosher, Ruck
Nays: Commissioner Scott

11. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rule 8.1.d.2:

- A. Gutierrez, Eduardo - General Service Worker
- B. Gonzalez, Gerardo - General Service Worker
- C. Vacio, Juan - General Service Worker
- D. Zamora, Ofelia - General Service Worker
- E. Christmann, Bernard Adolph - General Service Worker
- F. Rodriguez III, Raul - General Service Worker
- G. Overton, Andre Eugene - General Service Worker
- H. Contreras, Osvaldo - General Service Worker
- I. Lopez, Rodolfo - General Service Worker
- J. Castillo, Raymundo - General Service Worker
- K. Zaragoza, Victor Islas - General Service Worker
- L. Torres, Juan - General Service Worker
- M. Del Toro Jr., Isaac - General Service Worker

- N. Martinez, Manuel - General Service Worker
- O. Sosa, Rosalio - General Service Worker
- P. Vasquez, Rafael - General Service Worker
- Q. Alvarado, Venessa - General Service Worker
- R. Araiza, Shirley Marie - General Service Worker
- S. Crawford, Robert L. - General Service Worker

MOTION TO DENY ITEM 11A MADE BY COMMISSIONER SCHWARTZ AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO DENY ITEM 11B MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER RUCK AND FAILED BY A VOTE OF 3 TO 2.

Ayes: Commissioners Gezelius, Ruck
Nays: Commissioners Schwartz, Scott, Mosher

MOTION TO APPROVE ITEM 11C MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCHWARTZ AND FAILED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Schwartz, Scott, Mosher, Ruck
Nays: Commissioners Gezelius

MOTION TO APPROVE ITEM 11D MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 11E MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCOTT AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 11F MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 3 TO 2.

Ayes: Commissioners Schwartz, Scott, Ruck
Nays: Commissioners Gezelius, Mosher

MOTION TO DENY ITEM 11G MADE BY COMMISSIONER MOSHER AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 11I MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCHWARTZ UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 11J MADE BY COMMISSIONER R AND SECONDED BY COMMISSIONER SCCK AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 11K MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 11L MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 11M MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER MOSHER AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Gezelius, Schwartz, Mosher, Ruck
Obtained: Commissioner Scott

MOTION TO APPROVE ITEM 11N MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 11O MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 11P MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 4 TO 1.

MOTION TO APPROVE ITEM 11Q MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND PASSED BY A VOTE OF 4 WITH 1 ABSTENTION.

Ayes: Commissioners Gezelius, Scott, Mosher, Ruck
Abstained: Commissioner Schwartz

MOTION TO APPROVE ITEM 11R MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND PASSED BY A VOTE OF 3 TO 2.

Ayes: Commissioners Gezelius, Schwartz, Ruck
Nays: Commissioner Scott, Mosher

MOTION TO APPROVE ITEM 11S MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

12. Discussion and Action on Miscellaneous Appeals reference Fire Captain Protests examination filed by:

- A. Valero, Dave
- B. Cortez, George
- C. Ortiz, Emir
- D. Sarabia, Joe

Dave Valero presented supplemental information and presented to commissioners. Mr. Valero stated that he does support the system and is not here to criticize the protest committee. He just wants to suggest that there is a possibility that a misinterpretation of the question exists. Mr. Valero is requesting to have question double keyed to answer 1 and 3. Chief Marron agreed with request to have question doubled keyed.

(Discussion on alternative answer)

Ms. Thomas clarified that everyone taking the test would get credit for either answer number 1 or number 3, and that the question would not be used again.

MOTION TO APPROVE ITEM 12A MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

George Cortez protested the second answer on question number 32. He believes that answer 1 and 3 are both correct.

(Discussion on alternative answer)

Chief Marron agreed to have question double keyed, but Pete Fargo suggested the question just be deleted so as not to punish persons who originally answered question correct.

MOTION TO APPROVE ITEM 12B MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

Emir Ortiz passed out additional reference material. He is protesting question #146, and appealing second statement "B" should be true.

(Discussion on alternative answer)

Commissioner Ruck suggested that answer "A" is absolutely correct, and feels a motion to deny should be made. Chief Marron agreed that there should be a motion to deny because he feels the answer is clear cut.

MOTION MADE TO DENY ITEM 12C MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

Joe Sarabia also passed out additional reference material for his protest of question #149. He states he has been trained to read and memorize verbatim. He therefore, believes the period and comma change the entire meaning of the question.

Peter Fargo was asked and replied that there was only one protest on this question. He further explained that no "trick" questions are used, and the best answer would be #1. Commissioner Schwartz added that grammatically, a comma does not have to be in front of the word "and".

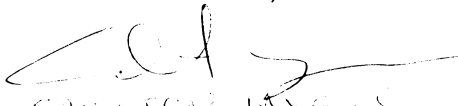
Chief Marron states that he felt the question should be upheld.

MOTION TO DENY ITEM 12D MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER GEZELIUS, UNANIMOUSLY PASSED BY ALL.

THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, A MOTION TO ADJOURN WAS MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER GEZELIUS, UNANIMOUSLY PASSED.

THE MEETING ADJOURNED AT 9:02 P.M.

ALI BOURESLAN, C.S.C. CHAIR



LINDA BALL THOMAS, C.S.C. SECRETARY



DATED APPROVED